

Tisdale, Bernard

From: Greg Kudasz [greg@title11.org]
Sent: Sunday, May 02, 2010 11:34 AM
To: Tisdale, Bernard
Subject: RE: Kudasz v. Manatron/Effrein - Consultation per Local Rule LCvR 7.1(B) - ER 206857

Thank you for your thoughtful reply. I will file motions Tuesday complying with your consents.

Please clarify your role regarding Greg Effrein since you used plural regarding "defendants".

From: Tisdale, Bernard [mailto:bernard.tisdale@ogletreedeakins.com]
Sent: Sunday, May 02, 2010 7:40 AM
To: Greg Kudasz; greg@title11.org
Subject: Kudasz v. Manatron/Effrein - Consultation per Local Rule LCvR 7.1(B) - ER 206857

Mr. Kudasz,

We received your April 28, 2010 email regarding your request for consent to amend your Complaint and withdraw your motion to strike.

As to your request for Defendants' consent to the amendment of your Complaint, subject to the deadline stated below, Defendants consent i) to the incorporation into the Complaint of the redacted portions of the Complaint, as originally written, in the corresponding locations noted in the original Complaint, and ii) to the amendment of your Complaint to add the following two paragraphs:

19. The letter also claimed that Kudasz' "e-mail implies that Manatron software caused other customers significant losses in revenue".

20. Kudasz does not admit that the e-mail implies customers lost revenue; however the facts support that Manatron customers did lose significant revenues due to Manatron's actions.

Defendants do not consent to adding the second sentence you proposed in your April 28 email to add to paragraph 20 above, as the allegation is redundant and unnecessary to your pleading. Please note that Defendants' consent to the amendment of your complaint will expire at the end of business on May 10 as Manatron's response to your current complaint is due on May 11.

With regard to your request regarding the motion to strike, we consent to the withdrawal and suggest that you file a stipulation with the District Court stating that you withdraw your motion.

Regards,

H. Bernard Tisdale III

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From: Greg Kudasz [mailto:greg@fansites.com]
Sent: Wednesday, April 28, 2010 12:37 AM
To: Tisdale, Bernard
Subject: Consultation per Local Rule LCvR 7.1(B)

Mr. Tisdale,

I need to know per local rules if you oppose or not to the following:

- 1) An amended complaint that lists the two paragraphs that I sent you earlier this week.
- 2) An amended complaint that un-redacts the complaint folding the redacted parts into the complaint. This should avoid confusion as we move forward.

The new paragraphs would appear as #19 and #20:

1. The letter also claimed that Kudasz' "e-mail implies that Manatron software caused other customers significant losses in revenue".
2. Kudasz does not admit that the e-mail implies customers lost revenue; however the facts support that Manatron customers did lose significant revenues due to Manatron's actions. An estimate of money that Manatron customers lost by leaving down payments on the table for software they refused to implement, and paying another vendor to extend contracts that the Manatron software was supposed to replace, or by deciding to replace the Manatron software due to lack of support, to be more than \$2,250,000 since January 2009.

Second:

I need to know if you oppose my withdrawing the motion to strike. Since you are more experienced, I am offering for you to write a joint motion if you wish. Something like "Plaintiff has decided not to add defendants at this time which makes the issue of prejudice moot."

If I do not hear back by Monday I will file under good faith effort to confer.

thx